

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22517 OF 1995

DATED: 10TH OCTOBER, 2006.

Between :

P. Pundarikaksha Rao .. Petitioner

And

1. The Superintending Engineer, R & B,
Roads Circle, Balkampet, Hyderabad,
And 2 others. ... Respondents

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WRIT PETITION NO.22517 OF 1995

ORDER :

This writ petition is filed aggrieved by the order of the 2nd respondent dated 11-8-1995 in deferring the execution of work awarded to the petitioner under the agreement dated 21-3-1995 as arbitrary and illegal.

An identical question was considered by this Court in W.P.No.22518 of 1995 and the writ petition was disposed of by order dated 24-8-2006 holding as under :

“Having regard to the specific plea of the respondents that the work in question was not approved by the competent authority, which stood unrebutted and in the absence of allegation of mala fides against any of the respondents, the impugned action cannot be held to be arbitrary or illegal. Hence, the relief as prayed for cannot be granted.

So far as the petitioner's claim for damages on the ground that he made heavy investments for the execution of the work in question, it is always open to him to work out the appropriate remedy as available under law. Such question which involves disputed questions of fact cannot be decided by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, granting leave and liberty, the Writ Petition is disposed of. No costs.”

The learned Counsel for both the parties submitted that this writ petition may also be disposed of with similar order.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate remedy as available under law for damages, if

any, to which the petitioner is entitled to, the Writ Petition is disposed of. No costs.

G. ROHINI, J.

Dt. 10-10-2006
GBS